

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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January 7, 2010

Memo to Counsel Re: United States v. Joseph Vieson
Criminal No. JFM-08-0427

Dear Counsel:

I have reviewed your cross motions for summary judgment filed in connection with Susan A. Vieson's third-party claim to the property located at 1709 Cedar Park Road, Annapolis, Maryland.

The legal issues presented are close. Indeed, there may be a circuit conflict on the issue as to whether the Government may forfeit a property held as tenants in the entirety by a convicted criminal defendant and an innocent spouse. What is paramount in the present case, however, are the interests of justice and equity. To that end, in its moving papers, the Government proposed what initially appeared to be a fair and constructive solution to the problems presented. However, it now appears that this solution is unworkable because, understandably, Mrs. Vieson believes that she and her children should move from the 1709 Cedar Park Road residence because that was the place where the children were subjected to unspeakable offenses.

Under the circumstances I am entering an order today denying the Government's motion for summary judgment and granting Mrs. Vieson's cross motion for summary judgment. Justice sometimes is achieved by good lawyering which, in my judgment, in this case means the Government stepping back and not pursuing every legal argument that may be available to it. My ruling here should not be considered as a precedent for any other case, and I very much hope that the Government will decide to accept my ruling. If the Government concludes that it cannot do this, it may file a motion for reconsideration on or before January 22, 2010.

Despite the informal nature of this ruling, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge